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EXAMINER

AKINTOLA, OLABODE

ART UNIT

PAPER NUMBER

3691

NOTIFICATION DATE

DELIVERY MODE

05/10/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com



## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9-10, 12-13, 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru (US 5915001) in view of Gupta et al (USPAP 2001/0020242).

Re claims 9, 17 and 20: Uppaluru teaches a voice controlled transaction service adapted to process transaction over the Internet, the service comprising: a user interface (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60); and at least one database coupled to the user interface, the user interface coordinating voice communications with a user, the voice communications including item or service information and transactions associated with the item

Art Unit: 3691

or service, the at least one database storing item and service information; whereby transactions are executed without the user pressing a button, clicking a mouse, or any other manual input to a computing device (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Uppaluru does not explicitly teach an advertising subsystem configured to selectively provide the user interface with advertisement targeted to particular users based on information about the user. Gupta teaches an advertising subsystem configured to selectively provide the user interface with advertisement targeted to particular users based on information about the user (¶0061-0065). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru to include this feature as taught by Gupta for the obvious reason of providing advertisement that are relevant or of interest to the user.

Re claim 10: Uppaluru teaches said service further comprising a network interface coupled to the at least one database, the network interface being configured to access the item and service information over the Internet, process requests related to the item and service information, and carry out transactions involving the identified item or service (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 12: Uppaluru teaches a customer manager configured to record user information associated with user preferences and user behavior related to the service (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Art Unit: 3691

Re claim 13: Uppaluru teaches wherein the customer manger is configured to provide user information to the user interface such that the user interface may personalize the service for particular users (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 16: Uppaluru teaches an existent subsystem coupled to the at least one database, the existent subsystem being configured to manage all information into and out of the at least one database (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 18: Uppaluru teaches retrieving information identifying an item or a service from a database (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60)

Re claims 19 and 21: Uppaluru teaches retrieving information identifying an item or a service from a database comprises means for retrieving information from the internet (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 22: Uppaluru does not explicitly teach performing comparisons between a plurality of transactions in order to choose an optimal transaction. Official notice is hereby taken that this concept is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru to include this feature. Selecting an optimal transaction from the plurality of transactions ensures better efficiency.

***Support for this official notice can be found in Stack (US 6076070) at col. 1, lines 43-46.***

Art Unit: 3691

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru in view of Gupta and further in view of Goodman (US 5999929).

Re claim 11: Uppaluru does not explicitly teach a fusion engine configured to compare information obtained from at least one web site and selectively establish canonical data files corresponding to information gathered from multiple web sites.

Goodman teaches a fusion engine configured to compare information obtained from at least one web site and selectively establish canonical data files corresponding to information gathered from multiple web sites (col. 6, lines 7-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru to include this feature as taught by Goodman. One would have been motivated to do so for consolidation purposes as specified by a rule.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Support for the official notice(s) is provided in the body of the rejection(s) above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3691

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/532,509

Page 7

Art Unit: 3691

/Olabode Akintola/

Examiner, Art Unit 3691